



General Assembly

***Amendment***

***February Session, 2004***

**LCO No. 4740**

**\*HB0540404740HRO\***

Offered by:

REP. WASSERMAN, 106<sup>th</sup> Dist.

REP. LAWLOR, 99<sup>th</sup> Dist.

To: Subst. House Bill No. **5404**

File No. 156

Cal. No. 135

***"AN ACT ADOPTING THE RECOMMENDATIONS OF THE  
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE  
CONCERNING BAIL SERVICES."***

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- 1 In line 407, after "may" insert ", for a fee or other compensation,"
  - 2 Strike lines 433 to 442, inclusive, in their entirety
  - 3 In line 559, strike "ten" and insert in lieu thereof "five"
  - 4 In line 560, strike "June" and insert in lieu thereof "October 1,"
  - 5 In line 561, strike "30,"
  - 6 In line 566, after "unpaid" insert "civil"
  - 7 In line 613, after "section" insert "7,"
  - 8 After line 632, insert the following:
  - 9 "(e) The commissioner may, after notice and hearing in accordance

10 with the provisions of chapter 54, impose a civil penalty in an amount  
11 not exceeding one thousand dollars on any licensee who violates any  
12 provision of this chapter or section 13, 14, 15, 16, 23, 24, 26, 27, 28, 36,  
13 40, 56 or 57 of this act."

14 In line 633, strike "(e)" and insert in lieu thereof "(f)"

15 Strike lines 720 to 723, inclusive, in their entirety and insert the  
16 following in lieu thereof:

17 "(2) Except as provided in subsection (b) of this section, directly or  
18 indirectly advertise, solicit business or loiter in or within one thousand  
19 feet of any superior court location or any place where arrested persons  
20 are confined;"

21 In line 732, strike "Post" and insert in lieu thereof "For a fee or other  
22 compensation, post"

23 Strike lines 746 to 752, inclusive, in their entirety and insert the  
24 following in lieu thereof:

25 "(b) A licensed professional bondsman or surety bail bondsman may  
26 have print or display advertising in or within one thousand feet of any  
27 superior court location or any place where arrested persons are  
28 confined, provided such advertising is limited to a listing in a  
29 telephone directory, the posting of such licensee's name, address and  
30 telephone number at a location within the facility or building  
31 designated by the administrator of the facility or building, and a sign  
32 affixed to the building where the business office of such licensee is  
33 located, which sign has been approved by the Department of Public  
34 Safety."

35 Strike line 758 in its entirety

36 In line 769, after "person" insert "unless such bondsman or agent has  
37 reasonable grounds to believe that the principal on the bond is within  
38 such residence and such entry results in the apprehension of such  
39 principal"

- 40       Strike line 781 in its entirety
- 41       In line 1017, before "that" insert an opening bracket
- 42       In line 1019, strike "superior" and after "court" insert a closing  
43 bracket and after said closing bracket insert "forty per cent of the  
44 amount of the forfeited bond paid pursuant to section 36 of this act"  
45 and strike "The judges of the"
- 46       Strike line 1020 in its entirety
- 47       In line 1021, strike "amend such schedule."
- 48       In line 1106, strike "that portion of the" and insert in lieu thereof  
49 "forty per cent of the forfeited amount or equity."
- 50       Strike lines 1107 to 1109, inclusive, in their entirety
- 51       In line 1164, after "a" insert "surety"
- 52       In line 1166, strike "or subdivision (2) of"
- 53       Strike line 1167 in its entirety
- 54       In line 1168, strike "this act,"
- 55       In line 1173, strike "or"
- 56       Strike line 1174 in its entirety
- 57       In line 1175, strike "as amended by this act,"
- 58       Strike lines 1194 to 1202, inclusive, in their entirety and insert the  
59 following in lieu thereof:
- 60       "(g) Funds collected as forfeited bonds shall be allocated as follows:  
61 Ten per cent shall be allocated to the Department of Administrative  
62 Services for the purposes of the collection of forfeited bail bonds; forty  
63 per cent shall be allocated to the Department of Public Safety for  
64 purposes of the licensing of professional bondsmen and surety bail

65 bondsmen, regulating the commercial bail bond industry and  
66 expanding the fugitive recovery unit; and fifty per cent shall be  
67 allocated to the General Fund. "

68 In line 1203, strike "may" and insert in lieu thereof "shall"

69 In line 1284, strike "arranging" and insert in lieu thereof  
70 "apprehending"

71 In line 1285, strike "the surrender or apprehension of"

72 After line 1430, insert the following:

73 "(c) The commissioner may, after notice and hearing in accordance  
74 with the provisions of chapter 54, impose a civil penalty in an amount  
75 not exceeding one thousand dollars on any licensee who violates any  
76 provision of this chapter or section 24, 51, 52, 56 or 57 of this act."

77 In line 1431, strike "(c)" and insert in lieu thereof "(d)"

78 In line 1441, strike "at least" and insert in lieu thereof "within"

79 In line 1461, after "agency" insert "(1)"

80 In line 1462, strike "or" and insert in lieu thereof ", or (2)"

81 In line 1463, after "state" insert ", except that such bondsman or  
82 agent may surrender such person after said twenty-four hour period if  
83 such bondsman or agent (A) is unable to make arrangements to effect  
84 the transportation and surrender of such person within said twenty-  
85 four hour period, (B) notifies the Department of Public Safety of that  
86 inability within said twenty-four hour period, and (C) receives  
87 permission from the department to surrender such person at a later  
88 time"